

CHAPTER 218

HEALTH AND ENVIRONMENT

SENATE BILL 19-145

BY SENATOR(S) Todd, Bridges, Crowder, Fields, Ginal, Gonzales, Moreno, Priola, Rodriguez, Tate, Winter;
also REPRESENTATIVE(S) Valdez A., Duran, Exum, Galindo, Herod, Kraft-Tharp, McLachlan, Titone, Valdez D.

AN ACT

CONCERNING THE CONTINUATION OF THE REGULATION OF DIALYSIS CARE BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-34-104, **repeal** (17)(a)(VI); and **add** (27)(a)(XV) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal.
(17) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2019:

(VI) ~~The regulation of dialysis treatment clinics and hemodialysis technicians in accordance with section 25-1.5-108, C.R.S.;~~

(27) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2026:

(XV) THE REGULATION OF DIALYSIS TREATMENT CLINICS AND HEMODIALYSIS TECHNICIANS IN ACCORDANCE WITH SECTION 25-1.5-108.

SECTION 2. In Colorado Revised Statutes, 25-1.5-108, **amend** (1)(c), (2), (3)(a), (3)(b), (3)(c) introductory portion, (3)(c)(II)(A), and (6) as follows:

25-1.5-108. Regulation of dialysis treatment clinics - training for hemodialysis technicians - state board of health rules - definitions - repeal.
(1) As used in this section, unless the context otherwise requires:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(c) "Hemodialysis technician" means a person who is not a physician or a ~~registered~~ LICENSED PROFESSIONAL nurse and who provides dialysis care.

(2) ~~By January 1, 2008,~~ The state board of health shall adopt rules to establish a process to verify that persons performing the duties and functions of a hemodialysis technician at or for a dialysis treatment clinic have been credentialed by a national credentialing program. The verification process shall be part of the ~~department of public health and environment's~~ DEPARTMENT'S licensing of dialysis treatment clinics and part of each routine survey of licensed dialysis clinics conducted by the department. As part of the rules adopted pursuant to this section, the state board shall establish fees consistent with section 25-3-105 to be assessed by the department against dialysis treatment clinics to cover the department's administrative costs in implementing this section.

(3) (a) ~~On and after January 1, 2009,~~ A person shall not act as, or perform the duties and functions of, a hemodialysis technician unless the person has been credentialed by a national credentialing program and is under the supervision of a licensed physician or licensed professional nurse experienced or trained in dialysis treatment.

(b) ~~On and after January 1, 2009,~~ A dialysis treatment clinic licensed by the department shall not allow a person to perform the duties and functions of a hemodialysis technician at or for the dialysis treatment clinic if the person has not been credentialed by a national credentialing program.

(c) Nothing in this subsection (3) ~~shall prohibit~~ PROHIBITS:

(II) A person participating in a hemodialysis technician training program from performing the duties and functions of a hemodialysis technician if:

(A) The person is under the direct supervision of a physician, or a ~~registered~~ LICENSED PROFESSIONAL nurse experienced or trained in dialysis treatment, who is on the premises and available for prompt consultation or treatment; and

(6) This section is repealed, effective September 1, 2019. ~~Prior to this repeal, the department of regulatory agencies shall review the functions of the state board of health and the department regarding hemodialysis technicians as provided in section 24-34-104, C.R.S. SEPTEMBER 1, 2026. BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.~~

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 20, 2019